

**IN THE UNITED STATES BANKRUPTCY COURT FOR
THE DISTRICT OF PUERTO RICO**

IN RE:

**RICARDO A. SANTIAGO SOLDEVILA
OLGA D. TRISTANI SERRANO**

DEBTORS

**CASE NO.: 10-00120 ESL
CHAPTER 13**

MOTION REQUESTING ENTRY OF ORDER TO STAY DEBITS FROM DEBTOR'S SALARY

To the Honorable Court:

Comes now the National Credit Union Administration Board, through it's undersigned counsel and very respectfully state and pray as follows:

1. Borinquen Community Federal Credit Union acquired Industries Federal Credit union on September 14th, 2010, through a transaction assisted by the National Credit Union Administration. The National Credit Union Administration is the liquidating agent for Industries Federal Credit Union.
2. Industries Federal Credit Union gave debtor Santiago-Soldevila a loan, payment of which was to be debited from his salary at Schering Plough Inc.. On January 12th, 2011, debtor Santiago Soldevila filed for Bankruptcy and Industries Federal Credit Union did not comply with the stay and continued debiting the loan payment from debtors salaries. On September 13th, 2010, the National Credit Union Administration liquidated Industries Federal Credit Union due to insolvency. Debtor sued Industries Federal Credit Union, which at that point in time was actually the NCUA Board as liquidating agent for Industries (1-P-155). Said proceeding was later dismissed due to lack of subject-matter jurisdiction.
3. After Borinquen Community Federal Credit Union, acquired Industries Federal Credit Union assets, Borinquen Community Federal Credit Union contacted Jesus Dominguez, on November 5th, 2010, at the payroll department at Schering Plough Inc., requesting that the debits be halted. The Mr. Dominguez informed Borinquen Community Federal Credit Union that the debtors had to be ordered halted by the debtor himself.
4. As of the date of the filing of this motion, debtor Santiago Soldevila has not requested that the automatic debts be halted.
5. Borinquen Community Federal Credit Union respectfully request that this Honorable Court emit an order that the payroll department at Schering Plough, Inc., debtor's

employer, to cease and desist the automatic debit. Borinquen Community Federal Credit Union is receiving a monthly sum that constitutes an involuntary violation of 11 USC S. 361, which it has requested to stop and is unable to without an order of the court.

6. All the debited sums are being sent bi-monthly to Chapter 13 Trustee Jose Ramón Carrion.

WHEREFORE, Borinquen Community Federal Credit Union respectfully request that this Honorable Court order Schering Plough, Inc., to cease the automatic debit to it and to take notice that all the amount received are being returned to the Chapter 13 Trustee.

I hereby certify that I have filed the foregoing motion through the CM/ECF system which will send notice to all counsel of record.

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